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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,102	12/01/1998	HENRY H. HOUH	NBX-007-6611	5040

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EXAMINER

HARPER, KEVIN C

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/204,102

Applicant(s)

HOUH ET AL.

Examiner

Kevin C. Harper

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2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-13,15,17-23,25-27 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,17-23,27 and 29 is/are allowed.
- 6) ☒ Claim(s) 1,4,7,12,25 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 3,5,6,8-11 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 November 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-13, 25 and 30-33 have been considered but are moot in view of the new ground(s) of rejection.

***Drawings***

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 11/15/00 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed (independent claims 1, 15 and 31-32). The following title is suggested: "Telecommunication Apparatus and Method Having Packet Forwarding Time Limits."

***Claim Rejections - 35 USC § 102***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 4, 7, 12, 25, 30 and 32-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Chuah (US 6,327,254).

4. Regarding claims 1, 4, 7, 12, 25 and 32, Chuah discloses a method of forwarding packets to a network (Figure 2). A packet forwarding system (Figure 2, items 232; col. 8, lines 15-20; Figure 11, items 1104 and 1106) creates local data packets (abstract, lines 1-5) and has a memory for storing packets (abstract, lines 19-26). The system attempts to forward the packets stored in the memory to the network (abstract, lines 20-26) and establishes a time limit to do so (col. 18, line 64 through col. 19, line 2). The system monitors the elapsed period of time while attempting to forward the packet, cancels attempts to forward the packet stored in memory (col. 19, lines 2-5), and replaces the packet stored in memory with a new packet (abstract, lines 22-26; col. 19, lines 2-5) when the time limit is reached.

5. Regarding claims 30 and 33, the network has separate collision domains (Figure 2, items 236; col. 8, lines 20-21 and 30-39).

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chuah (US 6,327,254).

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6. Regarding claim 31, Chuah discloses a packet forwarding system as in Paragraph 4 above. However, Chuah does not disclose that the packets contain audio data. One skilled in the art would recognize that computers often allow data packet transmission of voice via a connected telephone or microphone. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have audio (voice) data packets in the invention of Chuah as a matter of design choice.

#### *Allowable Subject Matter*

7. Claims 15, 17-23, 27 and 29 are allowed.

8. Claims 3, 5-6, 8-11 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shiobara (US 5,699,519) discloses a system for discarding a buffered packet if it will not reach its destination within an anticipated time limit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 8:00 AM to 6:30 PM EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at 703-305-4366. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



March 10, 2001

**KWANG BIN YAO**  
**PRIMARY EXAMINER**

